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PATENT

ATTORNEY DOCKET NO. 70102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fitzgibbon et al.
Appln. No.: 09/693,141
Filed: October 20, 2000
Title: MOVABLE BARRIER
OPERATOR
Group
Art Unit: 2837
Examiner: Bentsu Ro

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

10/06/03
Date

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RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Claims 32 and 41-44 are present for examination and all claims stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. In the statement of reasons for rejection the examiner states:

The examiner hereby asks applicant to point out (1) which detector is used for determining the physical characteristic of the movable barrier and (2) where is the embodiment shown in the specification.

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If applicant can specifically answer the above-mentioned two questions, this application will be allowed because no prior art teaches a detector for determining the physical characteristic of a movable barrier and the motor speed is adjusted based on the determined physical characteristic of the barrier.

The following is applicants' answer to the two questions posed. As stated in the specification from page 3, line 31 through page 4, line 10, the type of door (one piece or segmented) can be determined by measuring the travel distance of the door. Certainly the type of door being moved is a physical characteristic of the door. Page 7 at line 30 through Page 8 line 8 describes that the movable barrier operator automatically measures (determines) the distance of door travel.

The operation of microprocessor 300 to store the up and down limits of travel of the door is described at page 23 lines 14-31. After the limits are stored they can be used to stop the door at those limits and they can be used by microprocessor 300 to compute door travel distance (page 7 lines 30-36). The setting of power to the motor, which will determine door movement speed, is discussed at page 25, lines 7-23 where it states that the microprocessor scales maximum door force based on the length of door travel i.e., based on the physical characteristic of the door. Finally, the power to the motor is regulated by the microprocessor 300 controlling pulse width modulation signals applied to FET 352.

The above cited sections of the specification clearly show a person of skill in the art that the microprocessor determines door travel distance to identify the type of door (a physical characteristic) and that that travel distance is used by the microprocessor to control door speed via FET 352.

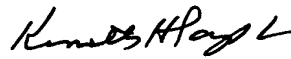
In view of the foregoing, applicant asserts that the examiner's questions have been answered and that the claims are allowable for the reasons stated by the examiner.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:



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Date: October 6, 2003

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